

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

LARRY GOLDEN,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2019-2134

Appeal from the United States Court of Federal Claims
in No. 1:19-cv-00104-EGB, Senior Judge Eric G. Bruggink.

LARRY GOLDEN, dba ATPG Technology, LLC,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2019-2135

Appeal from the United States Court of Federal Claims
in No. 1:13-cv-00307-EGB, Senior Judge Eric G. Bruggink.

ON MOTION

Before WALLACH, CHEN, and HUGHES, *Circuit Judges*.
PER CURIAM.

O R D E R

Larry Golden moves to consolidate Appeal Nos. 2019-2134 and 2019-2135, requests an extension of time to file his informal brief in Appeal No. 2019-2134, and requests an “[e]xtended page count of 60 pages, 14-point, double spacing” for the brief. The government opposes consolidation and moves to dismiss Appeal No. 2019-2135 as premature. Mr. Golden has not responded to the government’s motion.

In the appeal docketed as Appeal No. 2019-2135, Mr. Golden seeks review of the May 8, 2019 order of the United States Court of Federal Claims granting the government’s motion to dismiss all of Mr. Golden’s taking claims. The order noted that there remained “eleven claims of patent infringement . . . that survived the government’s motion to dismiss certain patent infringement claims,” and it set a date for the parties to propose a schedule for next steps in the case.

This court’s jurisdiction ordinarily only extends to “a final decision” of the Claims Court. 28 U.S.C. § 1295(a)(3). A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Catlin v. United States*, 324 U.S. 229, 233 (1945). In light of the unresolved pending infringement claims, it is clear that the Claims Court has not yet issued a final decision in this case capable of this court’s review.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to dismiss Appeal No. 2019-2135 is granted. Appeal No. 2019-2135 is dismissed.

(2) Each side shall bear its own costs in Appeal No. 2019-2135.

(3) Mr. Golden's motion is granted only to the extent that his opening brief in Appeal No. 2019-2134 is due no later than 30 days from the date of filing of this order. The motion otherwise is denied.

FOR THE COURT

September 13, 2019

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

s24

ISSUED AS A MANDATE (as to 2019-2135 only):

September 13, 2019